

MARY ANN BARNARD 3650  
ATTORNEY AT LAW  
P.O. BOX 235520  
HONOLULU, HAWAII 'I 96823  
TELEPHONE NO. 942-0403  
571-5555 (pager)

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

Aug 18 2006

at 11 o'clock and 15 min. 17 M  
SUE BEITIA, CLERK

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA, ) CR. NO. 05-00248 JMS-BMK  
) (03)  
Plaintiff, )  
)  
VS. )  
)  
) MOTION FOR DOWNWARD  
) DEPARTURE; MEMORANDUM OF  
KEVIN PATRICK CASH, (03), ) LAW; EXHIBITS A-H;  
) DECLARATION OF COUNSEL;  
Defendant. ) CERTIFICATE OF SERVICE  
)  
) DATE: September 5, 2006  
) TIME: ~~2:30 p.m.~~ 2:15 pm  
) JUDGE: J. Michael  
) Seabright  
)  
)  
)  
)  
)  
)  
)

Defendant KEVIN PATRICK CASH, by and through Court-appointed counsel, MARY ANN BARNARD, moves the Honorable Judge J. MICHAEL SEABRIGHT to sentence him to no longer than the 5-year minimum term under 21 U.S.C. § 841(a)(b)(B)(viii), based on the history and characteristics of the Defendant under 18

U.S.C. § 3553 (a)(1) and the need for the sentence imposed. This motion is also made under the United States Sentencing Guidelines, Chapter 1, Pt. B, § 1B1.3, Chapter 3, Pt. 3, §3E1.1, and Chapter 5, Pt. K, the attached memorandum, the information contained in the presentence investigation and report, Exhibits A through H, and such additional evidence as may be adduced at a hearing on the merits.

DATED: Honolulu, Hawaii, August 18, 2006.

  
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MARY ANN BARNARD  
ATTORNEY AT LAW

ATTORNEY FOR DEFENDANT